

# **Government of the District of Columbia**

## **ZONING COMMISSION**



### **ZONING COMMISSION ORDER NO. 830-B**

**Case No. 01-27TE/96-16C**

**(PUD & Map Amendment - Prevocational School Site)**

**December 17, 2001**

By Zoning Commission Order No. 830, dated September 15, 1997, the Zoning Commission for the District of Columbia granted approval of an application from the NJ-H, Inc., General Partner of the New Jersey and H Limited Partnership, (Applicant) for consolidated review of a planned unit development (PUD) for Lots 190-193 in Square 623 located on the northeast corner of New Jersey Avenue and H Street, N.W., pursuant to the provisions of Chapter 24 and Section 102 of the District of Columbia Municipal Regulations (DCMR) Title 11, Zoning.

The PUD approval provides for the construction of three office buildings and a daycare center/nursery school/tutoring center containing 221,050 square feet, 519,520 square feet, 381,320 square feet, and 9,800 square feet of gross floor area, respectively. The office buildings will not exceed 87 feet, 108 feet, and 121 feet in height, respectively. The approved PUD project will have an FAR of approximately 7.0, a lot occupancy of no more than 88 percent, and will provide 656 parking spaces.

Order No. 830 became final and effective on October 24, 1997. The validity of that order was for two years; that is, until October 27, 1999, provided that an application for a building permit was filed within that period of time, after which construction would have to start by October 24, 2000. By Zoning Order No. 830-A, dated November 8, 1999, the Zoning Commission approved a two-year extension, which provided for application for a building permit by October 24, 2001, and construction commencing by October 24, 2002.

Pursuant to 11 DCMR 2408.10 of the Zoning Regulations, the Commission may extend the validity of the PUD approval for good cause shown and provided there is no substantial change in any of the material facts of the case, upon a request made before the expiration of the approval.

By letter dated October 22, 2001, the Applicant filed a request to extend the validity of the previously approved PUD for an additional period of three years. The Applicant indicated that it was requesting a three-year extension as opposed to a two-year extension because GSA was the most likely lessee for the site and the time frame for GSA procurement, final design, and permit application was longer than a two-year period. The

Applicant also alluded to the strength of the amenity package as another reason for a longer extension of time.

By memorandum dated November 28, 2001, the District of Columbia Office of Planning (OP) analyzed the request to determine whether any amendments to the Zoning Map or Regulations, or to the Comprehensive Plan, had taken place since the Zoning Commission initially decided the case.

OP concluded that there had been no change to the material facts upon which the Zoning Commission based its decision. It further determined that the Comprehensive Plan continues to identify the area for "medium-high density commercial use"; the C-3-C/PUD zoning continues to be consistent with the surrounding zoning. This extension request does not change any provisions or conditions of the previous order relating to height, FAR, gross floor area, lot occupancy, or permitted uses. OP recommended, however, that a two-year extension be granted.

Advisory Neighborhood Commission 2C, within which the subject property is located, submitted a letter supporting this request.

On December 17, 2001, at a special meeting, the Zoning Commission considered the request of the Applicant and the November 28, 2001, OP report. The Zoning Commission concurs with OP in the granting of the extension, but agrees with the Applicant that the period should be three years rather than two. The Applicant has demonstrated, by substantial evidence, "good cause" as required by §§ 2408.10 and 2408.11.

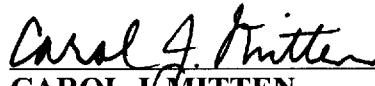
The Commission believes that a two-year extension of the validity of the PUD may be insufficient to allow New Jersey and H Limited Partnership time to complete the GSA procurement process and finalize negotiations to obtain sufficient project financing.


The Commission finds that the Applicant has met its burden under the criteria of § 2408.11 as a demonstration of good cause. There is no need for a public hearing since no material factual conflict exists with respect to the criteria of § 2408.11. The Commission also finds that an extension of time of the validity of this PUD is in the best interests of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the nation's capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby ORDERS that the validity of Z.C. Order No 830 be **EXTENDED** for an additional period of three (3) years, that is until October 24, 2004. Prior to the expiration of that time, the Applicant shall file for a building permit, as specified in 11 DCMR 2408.8, and construction shall start not later than October 24, 2005.

Vote of the Zoning Commission taken at the special meeting on December 17, 2001:  
**5-0-0** (Anthony J. Hood, Carol J. Mitten, James H. Hannaham to approve; Peter G. May  
and John G. Parsons, not present, voting by absentee ballots to approve).

In accordance with the provisions of 11 DCMR 3028, this Order is final and effective  
upon publication in the D.C. Register; that is, on MAR - 8 2002.

  
**CAROL J. MITTEN**  
**Chairman**  
**Zoning Commission**

  
**JERRILY R. KRESS, FAIA**  
**Director**  
**Office of Zoning**